IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2284 OF 2002

Shripad Ganpat Ughade, aged 17)
years, Occ: student, through his)
father and natural guardian)
Shri Ganpat Gundiba Ughade,)
aged 47 years, Occ:Agriculture,)
residing at Tandulwadi, Taluka)
Malshiras, District Solapur.).. Petitioner.

Versus

1) State of Maharashtra..)
2) Regional Caste Certificate)
Scrutiny Committee through)
its President having its)
office at 171-A, Ganeshpeth)
Sugandha Chambers, Pangalali)
Pune - 411 002.)
3) Government College of)
Engineering, Karad, District)
Satara through its Principal)
4) Shivaji University, Kolhapur,)
Through the Registrar,)
Kolhapur. ... ...)... Respondents.

Mr. P. G. Chavan with Mr. S.Patwardhan
for the Petitioner.

Mr. S. R. Nargolkar, AGP for Respondent Nos.1 to 3.

Mr. R. S. Pethe with Mr. R. G. Ketkar
for Respondent No.4.

ALONG WITH

WRIT PETITION NO. 581 OF 2003

Shri Ganpat Gundiba Ughade,)
Occ:Agriculture,)
residing at Tandulwadi, Taluka)
Malshiras, District Solapur.).. Petitioner.

Versus

1) State of Maharashtra..)
(Summons to be served on the)
learned Additional Government)
Pleader appearing for the)
State of Maharashtra under)
Order XXVII, Rule 4 of the)
Code of Civil Procedure,1908))
2) The Regional Caste)
Certificate Committee, Pune)

Region, Pune.
(Summons to be served on the)
learned Additional Government)
Pleader appearing for the)
State of Maharashtra under)
Order XXVII, Rule 4 of the)
Code of Civil Procedure,1908))
3) Shri Vasant Sukhdeo Chavan,)
Residing at: Tandulwadi,)
Tal. : Malshiras,)
District : Solapur.).... Respondents.

Mr. A. A. Joshi for the Petitioner.
Mr. S. R. Nargolkar, AGP for Respondent Nos.1 to 2.
Mr. V. Kiledar for Respondent No.3.

-: ALONG WITH :-

WRIT PETITION NO. 3982 OF 2003

Shri Ganpat Gundiba Ughade,)
residing at Tandulwadi, Taluka)
Malshiras, District Solapur.).. Petitioner.

Versus

1) State of Maharashtra..)
(Summons to be served on the)
learned Additional Government)
Pleader appearing for the)
State of Maharashtra under)
Order XXVII, Rule 4 of the)
Code of Civil Procedure,1908))
2) The Addl. Commissioner,)
Pune Division, Pune.)
(Summons to be served on the)
learned Additional Government)
Pleader appearing for the)
State of Maharashtra under)
Order XXVII, Rule 4 of the)
Code of Civil Procedure,1908))
3) The Addl. Collector,)
Solapur, Dist. Solapur.)
(Summons to be served on the)
learned Additional Government)
Pleader appearing for the)
State of Maharashtra under)
Order XXVII, Rule 4 of the)
Code of Civil Procedure,1908))
3) Shri Vasant Sukhdeo Chavan,)
Residing at: Tandulwadi,)

Tal. : Malshiras,)
District : Solapur.).... Respondents.

Mr. A. A. Joshi for the Petitioner.
Mr. S. R. Nargolkar, AGP for Respondent Nos.1 to 2.
Mr. V. Kiledar for Respondent No.3.

CORAM : V.G. PALSHIKAR, and
V.R.KINGAONKAR, JJ.
DATED : 4TH APRIL, 2006.

JUDGMENT (Per : V.R.KINGAONKAR, J.):

By this common judgment, we shall dispose of these three writ petitions which involve identical question of facts and law.

2. The Petitioners - Shripad and Ganpat are son and father respectively, and claimed to be members of Other Backward Class category being "Kulwant Wani".

3. The Petitioner - Ganpat contested election of Village Panchayat, Tandulwadi from reserved category on the basis of the caste certificate issued to him

showing that he belongs to sub-caste "Kulwant Wani" which is included in the category of Other Backward Class. He was elected as a Sarpanch. His caste certificate was subjected to scrutiny by the Caste Scrutiny Committee, Pune. By the impugned order dated 23rd December, 2002 the Caste Scrutiny Committee invalidated the caste certificate of the Petitioner - Ganpat and held that he belongs to only "Wani" caste and not to sub-caste "Kulwant Wani". He is, therefore, not a member of Other Backward Class. He seeks to assail said impugned decision through his writ petition (Writ Petition No. 581 of 2003). Similar prayer is made by his son - Shripad in Writ Petition No. 2284 of 2002.

4. The election as Sarpanch was challenged and has been set aside by the learned Additional Collector, Solapur in GP Dispute Application No. 34 of 2001 which is confirmed by the learned Additional Commissioner, Pune Division, Pune in Appeal No. A/GT/Solapur/02. He, therefore, impugns both the said orders in Writ Petition No. 3982 of 2003.

5. The question for determination is whether the impugned order of the Caste Scrutiny Committee is

improper, incorrect and illegal and as such liable to be set aside.

6. We have heard learned Counsel for the parties. We have gone through the impugned orders and documents produced by the Petitioners. The School Leaving Certificate of both the Petitioners and the other family members have been considered by the Caste Scrutiny Committee. It appears from show cause notice dated 18th October, 2001 issued by the Member Secretary of the Caste Scrutiny Committee, Pune Division, Pune, to the Petitioner - Ganpat that details of relevant documents were provided to him. The School Leaving Certificate of the Petitioner - Ganpat revealed entry of his caste as "Wani" but subsequently it was added at the bottom that the caste is "Ku. Wani". The School Leaving Certificate of his son - Shripad, Daughter - Bhagyashree, Sisters - Shaland, Sushila and Draupadi go to show that their caste is shown as "Wani". In fact the Petitioner - Ganpat only relied upon an agreement pertaining to year 1949. The agreement is a private document and have not seen light of the day till it was produced before the Caste Scrutiny Committee. Therefore, the Committee has rightly discarded such a private

document which could not be regarded as sufficient proof. The said agreement of 1949 revealed that sub-caste of Petitioner - Ganpat is "Kulwakkal". He contended that the word "Kulwakkal" is a kannadi word and meaning thereof in marathi script is ’Kulwant Wani". This contention is incorrect and even the Language Directorate, Pune informed that meaning of the word "Kulwakkal" in marathi is "Shetkari (Khandani)" and true translation thereof is quite different from what the Petitioner tried to canvass before the Committee. The true meaning appears to "an agriculturist by family profession". Though he tried to show that his sub-caste is "Kulwakkal" yet in his reply letter dated 30th October, 2001 (Annex.A-2) he submitted that meaning of word "Kulwakkal" is "Kulwant" in marathi script. No such translation is supported by the authentic Kannad - Marathi dictionary.

7. As stated earlier, the School Leaving Certificate of both the Petitioners revealed entry of their caste as "Wani". The School Leaving Certificate of the daughters of the Petitioner - Ganpat go to show that their caste is "Hindu Wani". The Petitioners did not explain what are traits of the sub-caste "Kulwant

Wani" and in what manner he and his family members were following such special traits. There is no tangible and reliable evidence to uphold his caste claim. The Petitioner did not furnish adequate and reliable evidence in support of the caste claim. Consequently, we are of the opinion that the findings of the Caste Scrutiny Committee are legal, proper and correct. There is no substance in all these petitions and as such they are liable to be dismissed.

8. In the result, all the petitions are hereby dismissed. Rule discharged in all the petitions. There shall be no order as to costs.

Sd/-

(V.G.PALSHIKAR, J.)

Sd/-

(V.R.KINGAONKAR, J.)